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An Act To Create Efficiencies in State Government by Transferring the Duties of the Public Advocate to the Office of the Attorney General

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §191-C is enacted to read:

§ 191-C. Advocacy duties

In addition to the duties under section 191, the Attorney General has advocacy duties as provided in this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Competitive service provider" has the same meaning as in Title 35-A, section 102, subsection 2-A.

B. "Consumer-owned transmission and distribution utility" has the same meaning as in Title 35-A, section 3501, subsection 1.

C. "Public utility" has the same meaning as in Title 35-A, section 102, subsection 13.

2. Public utilities. The Attorney General shall represent the using and consuming public in matters within the jurisdiction of the Public Utilities Commission, including, but not limited to, by:

A. Reviewing, investigating and making appropriate recommendations to the Public Utilities Commission with respect to:

(1) The reasonableness of rates charged or proposed to be charged by any public utility;

(2) The reasonableness and adequacy of the service furnished or proposed to be furnished by any public utility or competitive service provider;

(3) Any proposal by a public utility to reduce or abandon service to the public;

(4) The issuance of certificates of public convenience and necessity. Recommendations may include alternative analyses and plans as necessary;

(5) Terms and conditions of public utilities;

(6) Mergers and consolidations of public utilities;

(7) Contracts of public utilities with affiliates or subsidiaries; and

(8) Securities, regulations and transactions of public utilities;

B. Intervening in any proceeding before the Public Utilities Commission related to the activities under paragraph A when determined necessary by the Attorney General;

C. Petitioning the Public Utilities Commission to initiate proceedings to review, investigate and take appropriate action with respect to the rates or service of any public utility or competitive service provider when determined necessary by the Attorney General;

D. Investigating complaints affecting the using and consuming public generally or particular groups of consumers and, when appropriate, making recommendations to the Public Utilities Commission with respect to these complaints when determined necessary by the Attorney General;

E. On behalf of the using and consuming public, or any particular group of consumers, petitioning to initiate or intervening and appearing in any proceedings before the Public Utilities Commission, appeals from orders of the Public Utilities Commission or proceedings before state and federal agencies and courts in which the subject matter of the action affects the customers of any public utility or competitive service provider doing business in this State, except that the Attorney General may not intervene in any proceeding in which the Public Utilities Commission staff is representing a position substantially similar to that of the Attorney General, as determined by the Attorney General;

F. Preparing and submitting an annual report of activities of the Attorney General performed under this subsection to the Governor and to the joint standing committee of the Legislature having jurisdiction over public utilities matters by August 1st of each year, with copies available to all Legislators on request;

G. Assisting customers of consumer-owned transmission and distribution utilities in reviewing proposed rate increases and preparing questions and testimony for public hearings and, on request of a customer and when determined necessary by the Attorney General, intervening in the proceedings conducted in accordance with Title 35-A, chapter 35; and

H. When the Attorney General determines it necessary, serving as a voting member of any regional body whose decisions directly affect the prices or quality of utility services in the State, as long as that service is limited to a seat that is designated for the representation of consumer interests. Service as a voting member of a regional body in accordance with this paragraph does not create or constitute a conflict of interest pursuant to section 18.

In addition to the limitations of section 18, the Attorney General or any employee of the Attorney General may not have any official or professional connection or relation with, or hold any stock or securities in, a public utility or competitive service provider operating within this State, render any professional service against any such public utility or competitive service provider or be a member of a firm that renders any such service.

3. Insurance. In performing advocacy duties in insurance matters, the Attorney General:

A. Shall represent the interests of insureds and policyholders in matters under Title 24-A, chapter 25, subchapter 2-B within the jurisdiction of the Superintendent of Insurance, including, but not limited to:

(1) Rate filings under Title 24-A, chapter 25;

(2) Rulemaking;

(3) Petitions by insurers to terminate license authority, including withdrawal plans, submitted pursuant to Title 24-A, section 415-A;

(4) Proceedings by the Superintendent of Insurance concerning the reasonableness and adequacy of the service provided by any insurer;

(5) Proceedings by the Superintendent of Insurance concerning the reasonableness and adequacy of the rates charged by any insurer; and

(6) Proceedings instituted by the Superintendent of Insurance concerning an insurer's license authority;

B. Has the same right to request data as any other party before the Superintendent of Insurance and may petition the Superintendent of Insurance, for good cause shown, to be allowed such other information as may be necessary to carry out the purposes of this subsection;

C. Has the right to request that the Superintendent of Insurance investigate the reasonableness of the service provided by, or the rates charged by, insurers;

D. May employ witnesses and pay appropriate compensation and expenses to employ such witnesses. The funds for expert witnesses are available as indicated in Title 24-A, section 2386; and

E. Has the same rights of appeal from the Superintendent of Insurance's orders or decisions to which the Attorney General has been a party as other parties.

Sec. 2. 24-A MRSA §2387-A, as enacted by PL 1991, c. 885, Pt. B, §12 and affected by §13, is repealed.

Sec. 3. 35-A MRSA c. 17, as amended, is repealed.

Sec. 4. Attorney General to propose legislation. No later than January 1, 2012, the Attorney General shall submit to the Joint Standing Committee on State and Local Government proposed legislation necessary to terminate the Office of the Public Advocate, to transfer to the Attorney General all powers, duties and responsibilities of the Public Advocate in statute not transferred by this Act and to complete the transfer of the powers, duties and responsibilities of the Public Advocate to the Attorney General by January 1, 2013.

Sec. 5. Effective date. Those sections of this Act that enact the Maine Revised Statutes, Title 5, section 191-C and repeal Title 24-A, section 2387-A and Title 35-A, chapter 17 take effect January 1, 2013.

SUMMARY

This bill transfers the major duties and responsibilities of the Public Advocate to the Attorney General effective January 1, 2013 and requires the Attorney General by January 1, 2012 to submit proposed legislation to make all statutory changes necessary to terminate the Office of the Public Advocate and to complete the transfer of the powers, duties and responsibilities of the Public Advocate to the Attorney General.